

### **REPORT TO THE HEARING OFFICER**

REPORT NO. HO 14-054

HEARING DATE:	September 3, 2014
ATTENTION:	Hearing Officer
SUBJECT:	KIM TPM/CDP PROJECT NUMBER: 293634
LOCATION:	2501 Pinewood Street
APPLICANT:	Matt Peterson, Peterson & Price
OWNERS:	Sun Duk Kim and Yun C. Kim

#### **SUMMARY**

<u>Issue</u>: Should the Hearing Officer approve a Tentative Parcel Map and Coastal Development Permit to demolish an existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly-created lot, in the Torrey Pines Community Plan area?

Staff Recommendation: APPROVE Tentative Parcel Map No. 1055567 and Coastal Development Permit No. 1055566.

<u>Community Planning Group Recommendation</u>: On January 16, 2014, the Torrey Pines Community Planning Board motion to approve the project failed by a vote of 5-3 and no further votes were taken, as further discussed in this report (Attachment 12).

<u>Environmental Review</u>: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (new construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 24, 2014, and the opportunity to appeal that determination ended July 11, 2014 (Attachment 9).

#### BACKGROUND

The project site is located at 2501 Pinewood Street, in the RS-1-6 Zone, the Coastal Overlay Zone (Nonappealable Area 2), the Coastal Height Limit Overlay Zone and the Parking Impact Overlay Zone, within the Torrey Pines Community Plan. The 0.403-acre (17,252 square feet)

site is improved with an existing single-family residence. The site is a triangularly-shaped lot with curved street frontage lot that is located entirely on Pinewood Street. Pinewood *Drive* extends to the west, beginning at the western property line extension of this site. The surrounding residential neighborhood consists of one- and two-story, single-family homes.

The applicant proposes to demolish the existing single-family residence, split the existing single lot into two new lots, and construct two new single-family residences with attached garages: one on each newly-created lot.

#### Prior Project

The same applicant submitted a prior project on this site in August 2003 – Project No. 12765. That project was similar in that it included the subdivision of the site into two new lots. However, that project did not include the proposed construction of the new residences. Based on the information available, it appears that Project No. 12765 was denied by the Hearing Officer on July 13, 2005, due to the inability to make a public safety finding regarding the creation of a safe driveway because there was not enough construction information provided for the new improvements which could demonstrate the feasibility of the proposed construction. The applicant appealed the project to the Planning Commission. The Planning Commission heard the appeal on September 15, 2005, and continued the project to a date uncertain. Information regarding the actual Planning Commission discussion is not available. The applicant did not pursue the appeal and the project was closed due to inactivity on August 8, 2006.

The current project (Project No. 293634) was submitted on August 8, 2012. The San Diego Municipal Code (SDMC) does not prohibit the resubmittal of discretionary requests. If an applicant elects to resubmit, the City must accept the application and process the request as allowed by the SDMC. Applicants pay the full cost of the processing as required.

#### **DISCUSSION**

The proposed project includes the demolition of the existing single-family residence, the subdivision of the existing single-lot into two new lots, and the construction of a new single-family residence on each of the newly-created lots. In order to accomplish this, a Coastal Development Permit and Tentative Parcel Map are required.

#### Proposed Subdivision

The Torrey Pines Community Plan designates the site for Low Residential (5-9 du/ac) density development. Based on the project acreage and underlying zone, the existing 0.403-acre (17,572 square feet) site could accommodate up to two (2) new lots with one single-family residence on each lot, while the community plan designation could support two (2) to four (4) dwelling units. The density of the existing development is 2.48 du/ac; the proposed development proposes 4.96 du/ac, which would bring the density into greater conformity with the community plan.

Because the property is in the single-family zone (RS-1-6), the density limitations of all applicable regulations and policies would limit the site to a maximum of two (2) lots, with one unit on each lot, which is the project proposed. The proposed two newly-created lots would be 10,548 (Parcel 1) and 7,024 (Parcel 2) square feet, respectively, which conforms with this density range. The underlying RS-1-6 Zone allows one dwelling unit per lot. The proposed subdivision meets the development regulations for newly-created lots in the RS-1-6 Zone, and no deviations are required for either the lot creation or the proposed improvements.

#### Visibility Issues

During the course of project review, the applicant provided additional information to address visibility and driveway safety concerns which were identified by both staff and neighbors. The applicant provided a Visibility Study which includes horizontal and vertical profiles of the proposed driveways for each new parcel and provides the stopping sight lines in the street. This Visibility Study is part of the Exhibit A drawings for the requested Tentative Parcel Map/Coastal Development Permit, Sheet C-3, and conformance is conditioned in the draft Coastal Development Permit and Tentative Parcel Map.

In addition, the proposed Tentative Parcel Map (Sheet C-1 of the Exhibit A drawings) includes a "Sight Visibility Easement" along the street frontage of both newly-created lots which would protect the sight lines/visibility for the required stopping sight distance and specifies the required visibility area triangles for the proposed driveways. Conformance with this is also conditioned in the draft Coastal Development Permit and Tentative Parcel Map.

#### Torrey Pines Trees

The Torrey Pines Community Plan and Local Coastal Program recommends the preservation and protection of Torrey Pine trees on public property. The subject property has five existing Torrey Pine trees located on the site, with five additional trees located on the slope of the adjacent property to the south. Although these Torrey Pine trees are on private property, the applicant will still take measures to preserve and protect these trees; with the five on the property site being relocated on site, and the five on the adjacent property being protected during construction, as conditioned with the draft Coastal Development Permit.

#### Geology

The subject property slopes downhill from west to east. The neighbors questioned how the hill would be impacted by the proposed construction. During the course of project review and based on the Geotechnical Investigation and grading plans provided by the applicant, it was determined that the ascending ~2:1 (horizontal to vertical) slope on the west side of the property is existing and a new slope is not proposed. The project proposes an approximately 5.5-foot-high retaining wall at the toe of slope. The site is located in Geologic Hazard Category 52, which is characterized as having a low risk of geologic hazards. In addition, the project's geotechnical consultant has opined that the slope will have a factor of safety exceeding 1.5, which is the standard of practice for slope stability. Conditions are included in the draft Coastal Development

Permit which require the submittal of appropriate geotechnical documents to address proposed construction plans prior to the issuance of any construction permits.

#### Community Concerns:

Many of the concerns presented by the neighbors during the course of project review have been addressed, as described in the "Discussion" section of this report.

The Torrey Pines Community Planning Board (TPCPB) failed to approve the proposed project; their actions are summarized below, and reflected in Attachment 12.

• <u>Recommendation of Denial</u>: "On January 16, 2014, the TPCPB agenda included Item #4 Pinewood Lot Split –Project #293634. After considerable discussion with the applicant and concerned citizens, a Motion to approve the project was made, and duly seconded. The TPCPB defeated the Motion by a 3 to 5 vote. No further votes were taken. Therefore, the project #293634 was denied by the TPCPB."

<u>Staff Response</u>: Noted; this information has been included in the staff report to the decisionmaker.

• <u>Subdivision Concerns</u>: Subdivision concerns related to density, bulk and scale, and the existing "Declaration of Restrictions" for the proposed lot split.

<u>Staff Response</u>: Staff has addressed concerns regarding the subdivision and density under "Proposed Subdivision" in the "Discussion" section of this report. In the RS-1-6 Zone, "bulk and scale" are addressed using the development regulations, such as floor area ratio, setbacks and height. The proposed project is in conformance with all development regulations and no deviations are included with this request.

The "Declaration of Restrictions" are privately-regulated documents that are not enforced by the City of San Diego.

• <u>Safety/Visibility Concerns</u>: "The Board raised the issue of 25 mile-per-hour speed limit was not being adhered to and the applicant was using the city chart to determine the required braking distance to the driveway or line-of-sight distance requirement." "Council Pro-tem Sherri Lightner's office agreed to make a request to the Mayor's office for a formal speed study on Pinewood to determine if the 25 mph zoning was still being adhered to. As of this communication, the TPCPB has not heard back from the Councilmember's office as to when or if this study will occur."

<u>Staff Response</u>: The Transportation Engineering Operations Division of the Transportation and Storm Water Department received a request from Council District 1 regarding speeding along the segment of road at this property. They conducted a Speed Profile Study on March 20, 2014, (Attachment 13) which did not reveal any speeding issues. The 85<sup>th</sup> percentile speed was 25 mph in the northbound direction and 26 mph in

the southbound direction. This information was reported back to the Council District, who in turn forwarded the information to the TPCPB Chair and Board on April 14, 2014.

Staff has addressed stopping sight lines and driveway visibility concerns in the "Visibility Issues" section of this report under "Discussion."

• <u>Torrey Pines Tree Relocation</u>: Information was not provided regarding the TPCPB discussion or concerns, although there are indications that "progress was made on this issue."

<u>Staff Response</u>: The staff report details the proposed actions and restrictions under "Discussion," above.

• <u>Privacy</u>: Concerns relating to the right to privacy were discussed in the TPCPB minutes.

<u>Staff Response</u>: Privacy is not regulated by the San Diego Municipal Code. However, such concerns can be addressed using the development regulations, such as floor area ratio, setbacks and height. The proposed project is in conformance with all development regulations and no deviations are included with this request.

• <u>Potential Appeal Vote</u>: "A Motion was made to Appeal any approval of Project #293634 by DSD to the San Diego Planning Commission. The Motion passed by an 8-0 voted *(sic)*."

<u>Staff Response</u>: Noted; this information has been included in the staff report to the decisionmaker. A formal appeal cannot be submitted prior to the Hearing Officer's decision, or later than 10 business days after that decision.

#### CONCLUSION:

Staff has determined the proposed project complies with the applicable sections of the San Diego Municipal Code and the Torrey Pines Community Plan and Local Coastal Program as described in the draft Coastal Development Permit and Resolution and the draft Tentative Parcel Map Resolution and Conditions. Staff recommends the Hearing Officer approve the project as conditioned.

#### **ALTERNATIVES**

- 1. Approve Tentative Parcel Map No. 1055567 and Coastal Development Permit No. 1055566, with modifications.
- 2. Deny Tentative Parcel Map No. 1055567 and Coastal Development Permit No. 1055566, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Michelle Sokolowski, Development Project Manager

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Coastal Development Permit Resolution with Findings
- 6. Draft Coastal Development Permit with Conditions
- 7. Draft Tentative Parcel Map Resolution
- 8. Draft Tentative Parcel Map Conditions
- 9. Environmental Exemption/Notice of Right to Appeal Environmental Exemption
- 10. Map Exhibit Tentative Parcel Map
- 11. Project Plans
- 12. Community Planning Group Recommendation
- 13. Speed Profile Study, March 20, 2014
- 14. Ownership Disclosure Statement





Aerial Photo KIM TPM/CDP - PROJECT NO. 293634 North

**ATTACHMENT 1** 

**2501** Pinewood Street

#### **ATTACHMENT 2**



## **Community Land Use Map**



KIM TPM/CDP - PROJECT NO. 293634

**2501 Pinewood Street** 

#### **ATTACHMENT 3**





### **Project Location Map**

KIM TPM/CDP - PROJECT NO. 293634

**2501 Pinewood Street** 



## **PROJECT DATA SHEET**

PROJECT NAME:	Kim TPM/CDP	
PROJECT DESCRIPTION:	To demolish an existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly- created lot.	
COMMUNITY PLAN AREA:	Torrey Pines Community Plan Area	
DISCRETIONARY ACTIONS:	Tentative Parcel Map/Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Low Residential (5-9 du/ac) density development	

#### SUBDIVISION & DEVELOPMENT INFORMATION: RS-1-6 ZONE

Minimum Lot Dimensions	Existing Parcel	New Parcel 1 (Proposed)	New Parcel 2 (Proposed)
Lot Size: 6,000 square feet	17,572 square feet	10,548 square feet	7,024 square feet
Lot Depth: 95 feet	Approx. 155 feet	144.6 feet	101.5 feet
Lot Width: 60 feet	Approx. 130 feet	73.5 feet	103.4 feet
Street Frontage: 60 feet	210 feet	78 feet	132 feet
	PROPOSED SINGLE-FAMILY IMPROVEMENTS		
	RS-1-6 Zone Requirements	New Parcel 1 (Proposed)	New Parcel 2 (Proposed)
Height Limit	30 feet	27'-0"	28'-3"
Floor Area Ratio	Varies per lot size	0.42 proposed; 0.55 allowed	0.54 proposed; 0.57 allowed
Front Setback	15 feet	15 feet	15 feet
Side Setback	.08 x lot width	4 feet/7.8 feet	4 feet/12.54 feet
Rear Setback	15 feet	15 feet	15 feet
Parking	2 spaces	2 spaces	2 spaces
ADJACENT PROPERTIES:	LAND USE DESI ZONE	GNATION &	EXISTING LAND USE
NORTH:	Low Residential De	ensity; RS-1-6 Zone	Single-Family Residentia
SOUTH:	Low Residential Density; RS-1-6 Zone		Single-Family Residentia
EAST:	Low Residential Density; RS-1-6 Zone		Single-Family Residentia
WEST:	Low Residential Density; RS-1-6 Zone		Single-Family Residentia
DEVIATIONS OR VARIANCES REQUESTED:	None		

COMMUNITY PLANNING GROUP	On January 16, 2014, the Torrey Pines Community Planning Board vote to approve the project failed by a vote of 5-3; no other votes
<b>RECOMMENDATION:</b>	were taken.

#### HEARING OFFICER RESOLUTION NO. COASTAL DEVELOPMENT PERMIT NO. 1055566 **KIM CDP/TPM - PROJECT NO. 293634**

#### **DRAFT**

WHEREAS, SUN DUK KIM AND YUN C. KIM, INDIVIDUALS, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly-created lot (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1055566.), on portions of a 0.403-acre site;

WHEREAS, the project site is located at 2501 Pinewood Street in the RS-1-6 Zone, the Coastal Overlay Zone (Nonappealable Area 2), the Coastal Height Limit Overlay Zone and the Parking Impact Overlay Zone, within the Torrey Pines Community Plan;

WHEREAS, the project site is legally described as Lot 227, Del Mar Hills Unit 6, Map No. 6162;

WHEREAS, on September 3, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1055566 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 24, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303 (new construction); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112,0520; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated September 3, 2014.

COASTAL DEVELOPMENT PERMIT FINDINGS (SDMC Section 126.0708):

A. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY THAT IS LEGALLY USED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN A LOCAL COASTAL PROGRAM LAND USE PLAN; AND THE PROPOSED COASTAL DEVELOPMENT WILL ENHANCE AND PROTECT PUBLIC VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL

## AREAS AS SPECIFIED IN THE LOCAL COASTAL PROGRAM LAND USE PLAN.

The project proposes to demolish the existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly-created lot. The subject property is located several miles from the Pacific Ocean and is not located within or adjacent to any designated public view corridors, in the Torrey Pines Community Plan and Local Coastal Program Land Use Plan. The proposed two-story residences will remain well within the buildable envelopes and will not impact any public views to and along the ocean and other scenic coastal areas. The site is not located along any existing or proposed public accessways identified in the adopted Torrey Pines Community Plan and Local Coastal Program Land Use Plan. The proposed new lot creation and construction of the new residences with attached garages would occur on private property.

Therefore, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a local coastal program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the local coastal program land use plan.

## B. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ADVERSELY AFFECT ENVIRONMENTALLY SENSITIVE LANDS.

The project proposes to demolish the existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly-created lot. The project site is located within an urbanized area of the Torrey Pines community and does not contain environmentally sensitive lands and is not within or adjacent to the City's Multiple Species Conservation Program Multiple Habitat Planning Area (MHPA).

The Torrey Pines Community Plan and Local Coastal Program recommends the preservation and protection of Torrey Pine trees on public property. The subject property has five existing Torrey Pine trees located on the site, with five additional trees located on the slope of the adjacent property to the south. Although these Torrey Pine trees are on private property, the applicant will still take measures to preserve and protect these trees; with the five on the property site being relocated on site, and the five on the adjacent property being protected during construction, as specified within the conditions of approval. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

#### C. THE PROPOSED COASTAL DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM LAND USE PLAN AND COMPLIES WITH ALL REGULATIONS OF THE CERTIFIED IMPLEMENTATION PROGRAM.

The project proposes to demolish the existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly-created lot. The Torrey Pines Community Plan designates the site for Low Residential (5-9 du/ac) density development. Based on the project acreage and underlying zone, the existing 0.403-acre (17,572 square feet) site could accommodate up to two (2) new lots with one single-family residence on each lot, while the community plan designation could support two (2) to four (4) dwelling units. Because the property is in the single-family zone (RS-1-6), the density limitations of all applicable regulations and policies would limit the site to a maximum of two (2) lots, with one unit on each lot, which is the project proposed. The proposed two newly-created lots would be 10,548 (Parcel 1) and 7,024 (Parcel 2) square feet, respectively, which conforms with this density range. The underlying RS-1-6 Zone allows one dwelling unit per lot. The proposed subdivision meets the development regulations for newly-created lots in the RS-1-6 Zone, and no deviations are required for either the lot creation or the proposed improvements.

The Torrey Pines Community Plan and Local Coastal Program recommends the preservation and protection of Torrey Pine trees on public property. The subject property has five existing Torrey Pine trees located on the site, with five additional trees located on the slope of the adjacent property to the south. Although these Torrey Pine trees are on private property, the applicant will still take measures to preserve and protect these trees; with the five on the property site being relocated on site, and the five on the adjacent property being protected during construction, as specified within the conditions of approval.

Therefore, the proposed project conforms with the certified Torrey Pines Community Plan and Local Coastal Program and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Torrey Pines Community Plan, the San Diego Municipal Code, and the City of San Diego Progress Guide and General Plan.

#### D. FOR EVERY COASTAL DEVELOPMENT PERMIT ISSUED FOR ANY COASTAL DEVELOPMENT BETWEEN THE NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL OVERLAY ZONE, THE COASTAL DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE CALIFORNIA COASTAL ACT.

The project proposes to demolish the existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly-created lot. The project site is not located between the nearest public road and the Pacific Ocean. Public or private access to the Pacific Ocean from the site does not exist from this site and is not specified within the adopted Torrey Pines Community Plan and Local Coastal Program. The subject property is located several miles from the Pacific Ocean. The public use of and access to the Pacific Ocean as a recreation area is not feasible from this property.

Because this coastal development does not lie between the nearest public road and the sea or shoreline of any body of water located within the Coastal Overlay Zone, this findings does not apply.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1055566 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1055566, a copy of which is attached hereto and made a part hereof.

MICHELLE SOKOLOWSKI Development Project Manager Development Services

Adopted on: September 3, 2014

Internal Order No. 24003193

RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

#### WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24003193

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### COASTAL DEVELOPMENT PERMIT NO. 1055566 KIM CDP/TPM - PROJECT NO. 293634 HEARING OFFICER

### **DRAFT**

This Coastal Development Permit is granted by the Hearing Officer of the City of San Diego to SUN DUK KIM AND YUN C. KIM, INDIVIDUALS, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.403-acre site is located at 2501 Pinewood Street in the RS-1-6 Zone, the Coastal Overlay Zone (Nonappealable Area 2), the Coastal Height Limit Overlay Zone and the Parking Impact Overlay Zone, within the Torrey Pines Community Plan. The project site is legally described as: Lot 227, Del Mar Hills Unit 6, Map No. 6162.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing single-family residence, split the existing single lot into two new lots, and construct a new single-family residence with attached garages on each newly-created lot, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 3, 2014, on file in the Development Services Department.

The project shall include:

- a. The demolition of the existing single-family residence;
- b. Splitting the existing, approximately 17,527-square-foot lot into two new lots, with new Parcel 1 being approximately 10,548 square feet and new Parcel 2 being approximately 7,024 square feet;
- c. The construction of two, new single-family residences on each newly-created lot as follows:

- 1) Newly-created Parcel 1: An approximately 4,500-square-foot, two-story, single-family residence with an attached two-car garage; and
- 2) Newly-created Parcel 2: An approximately 3,810-square-foot, two-story, single-family residence with an attached two-car garage;
- b. Landscaping (planting, irrigation and landscape related improvements), retaining walls and fencing;
- c. Off-street parking; and
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

#### STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 17, 2017.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. The Coastal Development Permit shall conform to the provisions of Tentative Parcel Map No. 1055567.

4. Permits associated with the construction or grading for either of the new single-family residences shall not be issued after the required Parcel Map has been recorded.

5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determinednecessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the

event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

#### AFFORDABLE HOUSING REQUIREMENTS:

13. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

#### **ENGINEERING REQUIREMENTS**:

14. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, closure of the non-utilized driveway with current City Standard curb, gutter and sidewalk adjacent to the site on Pinewood Street, to the satisfaction of the City Engineer.

15. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to kill the existing water service at the main, and construct two city standard water services, adjacent to the site on Pinewood Street, to the satisfaction of the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for the curb outlet in the Pinewood Street right-of-way.

17. Prior to the issuance of any building permits, the Owner/Permittee shall remove the private brick steps encroaching into the Pinewood Street right-of-way, to the satisfaction of the City Engineer.

18. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit "A," satisfactory to the City Engineer.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.

#### LANDSCAPE REQUIREMENTS:

22. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

23. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.

24. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Tree relocation, protect in place conditions shall apply.

25. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

26. Temporary Revegetation. Graded, disturbed, or eroded areas that will not be permanently paved, covered by structure, or planted for a period over 90 calendar days shall be temporarily revegetated with a non-irrigated hydro seed mix, ground cover, or equivalent material. Temporary irrigation systems may be used to establish the vegetation. All required revegetation and erosion control shall be completed within 90 calendar days of the completion of grading or disturbance.

27. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.

28. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

29. Required trees that die 3 years or more after installation shall be replaced with 60-inch box size material. Development Services may authorize adjustment of the size and quantity of replacement material.

30. Prior to issuance of construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall ensure that all proposed landscaping shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC Invasive Plant Inventory and the prohibited plant species list found in Table 1 of the Landscape Standards shall not be permitted.

31. Prior to issuance of any construction permits for grading, the Owner/Permittee or subsequent Owner/Permittee shall submit complete landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental Conditions) and Exhibit "A" on file in the Office of the Development Services Department.

32. The Owner/Permittee or Subsequent Owner/Permittee shall maintain non-permanently irrigated landscape for a period of not less than 25 months. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

#### 33. <u>Tree Protections</u>:

- a. Prior to any disturbance to the site, the Owner/Permittee shall make arrangements for a pre-construction meeting with the City of San Diego Mitigation Monitoring Coordination Section (MMC), Resident Engineer (RE)/Building Inspector (BI), Certified Consulting Arborist (CCA), Construction Manager (CM), and landscape professional.
- b. The CM is responsible for preventing damage to trees.
  - 1) The construction and maintenance staff must avoid unnecessary activities within the dripline of trees.
  - 2) Fines shall be assessed to those individuals found to be responsible for the illegal removal or damage of protected trees.
- c. Any damage or injury to trees shall be reported within 24 hours to MMC by the CCA.
- d. The CCA shall be responsible to establish, implement, and maintain Tree Protection Zone as shown on plans during the entire construction period:
  - 1) Stake the complete drip line.
  - 2) Roots shall be cleanly cut back approximately 6 feet from the limit of disturbance, unless otherwise directed by the CCA.
  - 3) Install a temporary 6-foot-high chain link fence around the identified dripline, unless otherwise directed by the CCA.

- 4) When areas under the tree canopy cannot be fenced, another method is required, as recommended by the CCA and approved by MMC.
- 5) Attach an orange or yellow protective fence (minimum 3 feet high) to the chain link fence.
- 6) Post "KEEP OUT" signs in both Spanish and English to the chain link fence.
- 7) Place story poles where building and tree branches interface.
- 8) Submit tree maintenance schedule.
- 9) If a tree is adjacent to or in the immediate proximity to a grade slope of 8% (23 degrees) or more, provide adequate erosion control.
- e. The CCA shall verify in writing to the Owner/Permittee and that the Tree Protection Zone has been established.
- f. The Owner/Permittee shall submit CCA verification letter and schedule a site inspection w/ the RE/BI, MMC, the CCA, and LA.
- g. Restrictions w/in the Tree Protection Zone to be monitored by CCA:
  - 1) Tree pruning or root pruning will only occur under the guidance of the CCA, with the written approval of MMC.
  - 2) Pruning for vertical clearance of buildings, traffic, and construction equipment shall be performed by the CCA only.
  - 3) Construction equipment and materials such as stockpiling of soil, vehicle use, foot traffic, utility containers, storage of any kind, are prohibited.
  - 4) The existing grade shall not be disturbed unless otherwise approved by City Staff.
  - 5) Root systems shall be protected from flooding, erosion, chemical spills, and excessive variations in soil moisture by construction activity.
- h. Any modifications and/or additions to the approved Tree Protection Zone shall be submitted by the CCA with adequate information to MMC for approval.
- i. The Owner/Permittee shall be responsible for a minimum 3 year monitoring and maintenance period, designed by the CCA after construction to ensure the success of protected and/or replacements trees.
- j. The CCA shall provide annual reports to and request inspections from MMC for a minimum period of two years.

34. Prior to issuance of construction documents the Owner/Permittee shall provide a Water Budget in accordance with SDMC 142.0413.

35. The Owner/Permittee shall conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.

- a. All irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work.
- b. The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.

#### PLANNING/DESIGN REQUIREMENTS:

36. Owner/Permittee shall permanently maintain no fewer than two (2) off-street parking spaces for each proposed single family residence on each proposed parcel within the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

37. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

38. No portion of the decks parapet, guardrail, wall, or fence (open or solid) enclosing the roof deck area shall exceed an average of 42 inches in height, or exceed 54 inches in height at any point.

39. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### TRANSPORTATION REQUIREMENTS:

40. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of two current City Standards 16-foot wide concrete driveways adjacent to the project site on Pinewood Street (one for each proposed parcel), to the satisfaction of the City Engineer.

41. The proposed on-site vehicular turnarounds shown on the approved Exhibit "A" providing a "head-out" egress position of vehicles for each proposed dwelling unit driveway shall be maintained and not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

42. All improvements shall conform with the sight visibility easement restrictions and driveway visibility area restrictions to protect the sight lines/visibility for each new parcel, in accordance with the San Diego Municipal Code and as shown on the approved Exhibit "A," Tentative Parcel Map No. 1055567, satisfactory to the City Engineer.

#### **GEOLOGY REQUIREMENTS:**

43. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

44. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to exoneration of the bond and grading permit close-out.

#### WATER & SEWER REQUIREMENTS:

45. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and abandonment of the existing unused water and sewer service adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

46. The Owner/Permittee shall apply for and obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

47. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

48. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

#### **INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

• This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on September 3, 2014, by Resolution No. \_\_\_\_\_.

#### Coastal Development Permit No.: 1055566 Date of Approval:

## AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

MICHELLE SOKOLOWSKI Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

SUN DUK KIM Owner/Permittee

> NAME TITLE

YUN C. KIM Owner/Permittee

By\_

NAME TITLE

**NOTE:** Notary acknowledgments must be attached per Civil Code section 1189 et seq.

#### HEARING OFFICER RESOLUTION NUMBER HO-

#### TENTATIVE PARCEL MAP NO. 1055567 KIM TPM/CDP - PROJECT NO. 293634

#### <u>DRAFT</u>

WHEREAS, SUN DUK KIM AND YUN C. KIM, Subdivider, and COFFEY ENGINEERING, INC., Engineer, submitted an application to the City of San Diego for a tentative parcel map (Tentative Parcel Map No. 1055567) for the creation of lots for residential development (Kim TPM/CDP). The project site is located on the south side of Pinewood Street, east of Pinewood Drive, at 2501 Pinewood Street, in the RS-1-6 Zone, the Coastal Overlay Zone (Nonappealable Area 2), the Coastal Height Limit Overlay Zone and the Parking Impact Overlay Zone, within the Torrey Pines Community Plan area. The property is legally described as Lot 227, Del Mar Hills, Unit No. 6, Map No. 6162; and

WHEREAS, the Map proposes the Subdivision of a 0.403-site into two (2) lots for residential development; and

WHEREAS, on June 24, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303 (new construction); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and WHEREAS, the project complies with the requirements of a preliminary soils and/or

geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-

(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on September 3, 2014, the Hearing Officer of the City of San Diego

considered Tentative Parcel Map No. 1055567, and pursuant to San Diego Municipal Code section 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Parcel Map No. 1055567:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

The proposed project includes the demolition of one existing single dwelling residence. the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The Torrey Pines Community Plan (TPCP) designates the site for Low Residential (5-9 du/ac) density development. Based on the project acreage and underlying zone, the existing 0.403-acre site (17,572 square feet) could accommodate up to two (2) new lots with one single-family residence on each lot, while the community plan designation could support two (2) to four (4) dwelling units. Because the property is in the single-family zone (RS-1-6), the density limitations of all applicable regulations and policies would limit the site to a maximum of two (2) lots, with one unit on each lot, which is the project proposed. The proposed two newly-created lots would be 10,548 (Parcel 1) and 7,024 (Parcel 2) square feet, respectively, which conforms with this density range. The underlying RS-1-6 Zone allows one dwelling unit per lot. The proposed subdivision meets the development regulations for newly-created lots in the RS-1-6 Zone, and no deviations are required for either the lot creation or the proposed improvements. As such, the proposed demolition, subdivision, and construction of the new single-family residential project is consistent with this land use designation. The Torrey Pines Community Plan and Local Coastal Program recommends the preservation and protection of Torrey Pine trees on public property. The subject property has five existing Torrey Pine trees located on the site,

#### -PAGE 2 OF 7-

with five additional trees located on the slope of the adjacent property to the south. Although these Torrey Pine trees are on private property, the applicant will still take measures to preserve and protect these trees; with the five on the property site being relocated on site, and the five on the adjacent property being protected during construction, as specified within the conditions of approval. The project's park requirements shall be addressed through the payment of the development impact fee as required at the time of building permit issuance.

Therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

## 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The proposed project includes the demolition of one existing single dwelling residence, the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The Torrey Pines Community Plan designates the site for Low Residential (5-9 du/ac) density development. Based on the project acreage and underlying zone, the existing 0.403-acre site (17,572 square feet) could accommodate up to two (2) new lots with one single-family residence on each lot, while the community plan designation could support two (2) to four (4) dwelling units. Because the property is in the single-family zone (RS-1-6), the density limitations of all applicable regulations and policies would limit the site to a maximum of two (2) lots, with one unit on each lot, which is the project proposed. The proposed two newlycreated lots would be 10,548 (Parcel 1) and 7,024 (Parcel 2) square feet, respectively, which conforms with this density range. The underlying RS-1-6 Zone allows one dwelling unit per lot. The proposed subdivision meets the development regulations for newly-created lots in the RS-1-6 Zone. The proposed demolition, subdivision, and construction of the new single-family residential project is consistent with this land use designation and with the development regulations for the RS-1-6 Zone, including height, setbacks, floor area ratio, and parking. The project does not include deviations from the regulations; therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

## 3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The proposed project includes the demolition of one existing single dwelling residence, the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The Torrey Pines Community Plan designates the site for Low Residential (5-9 du/ac) density development. Based on the project acreage and underlying zone, the existing 0.403-acre site (17,572 square feet) could accommodate up to two (2) new lots with one single-family residence on each lot, while the community plan designation could support two (2) to four (4) dwelling units. Because the property is in the single-family zone (RS-1-6), the density limitations of all applicable regulations and policies would limit the site to a maximum of two (2) lots,

#### -PAGE 3 OF 7-

with one unit on each lot, which is the project proposed. The proposed two newlycreated lots would be 10,548 (Parcel 1) and 7,024 (Parcel 2) square feet, respectively, which conforms with this density range. The underlying RS-1-6 Zone allows one dwelling unit per lot. The proposed subdivision meets the development regulations for newly-created lots in the RS-1-6 Zone, and no deviations are required for either the lot creation or the proposed improvements. As such, the proposed demolition, subdivision, and construction of the new single-family residential project is consistent with this land use designation. Therefore the site is physically suitable for the type and density of development.

# 4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The proposed project includes the demolition of one existing single dwelling residence, the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] under CEQA Guidelines Section 15303 (new construction). The proposed development occurs within city limits and is surrounded by urban uses. All proposed development will be contained within the existing disturbed, previously developed and graded site. The project site has no value as habitat for endangered, rare or threatened species. The site does not contain and is not adjacent to the MHPA, environmentally sensitive lands or other areas that would support fish or wildlife, since there is no habitat present. Therefore the proposed subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

## 5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The proposed project includes the demolition of one existing single dwelling residence, the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The approval of construction permits would be required prior to any construction activity at this subdivision. The applicant is required to abide by all relevant Federal, State and Local regulations, including building regulations, which will ensure conformance with public health, safety and welfare requirements. A Speed Profile Study along this segment of the street was conducted by the City of San Diego on March 20, 2014, which did not reveal any speeding issues; the 85<sup>th</sup> percentile speed was 25 mph in the northbound direction and 26 mph in the southbound direction. However, the project has been conditioned to include an easement along a portion of the frontage to protect the sight lines/visibility for the required stopping sight distance. Therefore, the design of the subdivision and the type of improvements will not be detrimental to the public health, safety, and welfare.

#### -PAGE 4 OF 7-

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed project includes the demolition of one existing single dwelling residence, the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The project is located on the south side of Pinewood Street, east of Pinewood Drive, at 2501 Pinewood Street. The site does not contain any easements acquired by the public at large for access through or use of property within the proposed subdivision.

## 7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed project includes the demolition of one existing single dwelling residence, the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The proposed subdivision will not impede or inhibit any future passive or natural hearing and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading. The design of each structure provides the opportunity through building materials, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

# 8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed project includes the demolition of one existing single dwelling residence. the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The Torrey Pines Community Plan designates the site for Low Residential (5-9 du/ac) density development. Based on the project acreage and underlying zone, the existing 0.403-acre site (17.572 square feet) could accommodate up to two (2) new lots with one single-family residence on each lot, while the community plan designation could support two (2) to four (4) dwelling units, rendering it compliant with the Housing Element of the City of San Diego's General Plan based on its consistency with the density ranges in the Plan. The Torrey Pines Community Plan meets the General Plan standards for fire, school, police, library, water and sewer service (TPCP, p. 102). Because the property is in the single-family zone (RS-1-6), the density limitations of all applicable regulations and policies would limit the site to a maximum of two (2) lots, with one unit on each lot, which is the project proposed. The proposed two newly-created lots would be 10,548 (Parcel 1) and 7,024 (Parcel 2) square feet, respectively, which conforms with this density range. The underlying RS-1-6 Zone allows one dwelling unit per lot. The proposed subdivision meets the

development regulations for newly-created lots in the RS-1-6 Zone, and no deviations are required for either the lot creation or the proposed improvements. As such, the proposed demolition, subdivision, and construction of the new single-family residential project is consistent with this land use designation. The City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] under CEQA Guidelines Section 15303 (new construction). Therefore, the decisionmaker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The proposed project includes the demolition of one existing single dwelling residence, the subdivision of the existing site into two new lots, and the construction of two new single-family residences (one on each newly-created lot). The project is located in the RS-1-6 Zone, within the Torrey Pines Community Plan. The site is within Zone X of the Flood Insurance Map Rates for San Diego County, which is an area determined to be outside the 500-year flood plain. The project fronts on an already-improved street and no additional improvements are required. This infill development is connected to the City's water and sewer system and is supplied accordingly. No additional impact is anticipated for the creation of these new units, and the development is anticipated by the zoning and community plan designation. The Torrey Pines Community Plan designates the site for Low Residential (5-9 du/ac) density development. Based on the project acreage and underlying zone, the existing 0.403-acre site (17,572 square feet) could accommodate up to two (2) new lots with one single-family residence on each lot, while the community plan designation could support two (2) to four (4) dwelling units. Because the property is in the single-family zone (RS-1-6), the density limitations of all applicable regulations and policies would limit the site to a maximum of two (2) lots, with one unit on each lot, which is the project proposed. The proposed two newly-created lots would be 10,548 (Parcel 1) and 7.024 (Parcel 2) square feet, respectively, which conforms with this density range. The underlying RS-1-6 Zone allows one dwelling unit per lot. The proposed subdivision meets the development regulations for newly-created lots in the RS-1-6 Zone, and no deviations are required for either the lot creation or the proposed improvements. The City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] under CEQA Guidelines Section 15303 (new construction). The project is not requesting any deviations from the regulations and is designed and conditioned to conform with all underlying San Diego Municipal Code and applicable building code regulations. Therefore, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and

design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Parcel Map No. 1055567 is hereby granted to SUN DUK KIM AND YUN C. KIM, subject to the attached conditions which are made a part of this resolution by this reference.

By

Michelle Sokolowski Development Project Manager Development Services Department

ATTACHMENT: Tentative Map Conditions Internal Order No. 24003193

#### HEARING OFFICER CONDITIONS FOR TENTATIVE PARCEL MAP NO. 1055567 KIM TPM/CDP - PROJECT NO. 293634 ADOPTED BY RESOLUTION NO. HO-\_\_\_\_\_ON SEPTEMBER 3, 2014

#### **DRAFT**

#### **GENERAL**

- 1. This Tentative Parcel Map will expire September 17, 2014.
- 2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
- 3. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
- 4. The Parcel Map shall conform to the provisions of Coastal Development Permit No.1055566.
- 5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 293634 TPM No. 1055567 September 3, 2014

#### -PAGE 1 OF 4-

#### **ENGINEERING**

- 6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 7. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
- 8. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.
- 9. Prior to recordation of the Parcel Map, the Subdivider shall grant a sight visibility easement for each new parcel, as shown on the approved Exhibit "A," Tentative Parcel Map No. 1055567, satisfactory to the City Engineer.

#### MAPPING

- 10. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
- 11. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
- 12. The Parcel Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet

Project No. 293634 TPM No. 1055567 September 3, 2014

-PAGE 2 OF 4-

thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

#### WATER AND SEWER

- 13. The Subdivider shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and abandonment of the existing unused water and sewer service adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
- 14. The Subdivider shall apply for and obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
- 15. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
- 16. Prior to the recording of the Parcel Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

#### **INFORMATION:**

- The approval of this Tentative Map by the Hearing Officer of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design

Project No. 293634 TPM No. 1055567 September 3, 2014 and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24003193

Project No. 293634 TPM No. 1055567 September 3, 2014
(Check one or both)

TO: <u>X</u> RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422 FROM: CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH 1400 TENTH STREET, ROOM 121 SACRAMENTO, CA 95814

#### PROJECT TITLE/NO: KIM TENTATIVE PARCEL MAP AND CDP / 293634

PROJECT LOCATION-SPECIFIC: 2501 Pinewood Street, City and County of San Diego

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A TENTATIVE PARCEL MAP and a COASTAL DEVELOPMENT PERMIT to demolish an existing single-family residence and subdivide the parcel. Parcel 1 would be 0.242 acres and construct a 4,500-square-foot, two-story, single-family residence with an 80-square-foot first floor covered entry, with 700 square feet of second floor decks and balconies, and reflection pool. Parcel 2 would be 0.161 acres and construct a 3,810-square-foot, two-story, single-family residence with 330 square feet of second floor decks and balconies. In addition, the project would construct associated site improvements (i.e. landscaping, hardscape, and driveways) on each parcel. The project site is located at 2501 Pinewood Street. The land use designation for the project site is Low Density Residential per the community plan. Furthermore, the project site is located within the RS-1-6 zone, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (non appealable 2 area), the Parking Impact Overlay Zone (Coastal Impact Area), and the Torrey Pines Community Plan. (LEGAL DESCRIPTION: Lot 227 of Del Mar Hills, Unit No. 6, Map No. 6162).

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Sun Duk Kim, 2501 Pinewood Street, San Diego, California 92014, (619) 865-2327

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268)
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- (X) CATEGORICAL EXEMPTION: 15303 (New Construction)
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which allows for up to three single-family residences constructed in urbanized areas. Furthermore, the exceptions listed in 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Scott Cooper

Telephone: 619.446.5348

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT? () Yes () No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA.

SIGNATURE/FITLE

Sr. Planner

<u>June 27, 2014</u> Date

CHECK ONE: (X) SIGNED BY LEAD AGENCY

() SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



THE CITY OF SAN DIEGO

# **Date of Notice:** June 27, 2014 **NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION**

DEVELOPMENT SERVICES DEPARTMENT SAP No. 24003193

#### PROJECT NAME/NUMBER: KIM TENTATIVE PARCEL MAP AND CDP / 293634

1

COMMUNITY PLAN AREA: Torrey Pines

**COUNCIL DISTRICT:** 

**LOCATION:** 

2501 Pinewood Street, City and County of San Diego

**PROJECT DESCRIPTION:** A TENTATIVE PARCEL MAP and a COASTAL DEVELOPMENT PERMIT to demolish an existing single-family residence and subdivide the parcel. Parcel 1 would be 0.242 acres and construct a 4,500-square-foot, two-story, single-family residence with an 80-square-foot first floor covered entry, with 700 square feet of second floor decks and balconies, and reflection pool. Parcel 2 would be 0.161 acres and construct a 3,810-square-foot, two-story, single-family residence with 330 square feet of second floor decks and balconies. In addition, the project would construct associated site improvements (i.e. landscaping, hardscape, and driveways) on each parcel. The project site is located at 2501 Pinewood Street. The land use designation for the project site is Low Density Residential per the community plan. Furthermore, the project site is located within the RS-1-6 zone, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (non appealable 2 area), the Parking Impact Overlay Zone (Coastal Impact Area), and the Torrey Pines Community Plan. (LEGAL DESCRIPTION: Lot 227 of Del Mar Hills, Unit No. 6, Map No. 6162).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Sections 15303 (New Construction).

#### ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

# **STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 which allows for up to three single-family residences constructed in urbanized areas. Furthermore, the exceptions listed in 15300.2 would not apply.

#### DEVELOPMENT PROJECT MANAGER: MAILING ADDRESS: PHONE NUMBER:

Michelle Sokolowski 1222 First Avenue, MS501, San Diego, CA 92101 619.446.5278

On June 24, 2014 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (July 11, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

















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### Torrey Pines Community Planning Board 14151 Boquita Drive, Del Mar, CA 92014 <u>www.torreypinescommunity.org</u>

**BOARD MEMBERS:** Dennis E. Ridz, Chair, <u>dennisridz@hotmail.com</u>; Noel Spaid, Vice Chair; Patti Ashton, Treasurer; Bob Shopes, Secretary; Richard Caterina; Barbara Cerny; Michael Foster; Rick Jack; Cathy Kenton; Nancy Moon; Norman Ratner, Dee Rich; Pat Whitt.

To: Michelle Sokolowski Development Project Manager City of San Diego Development Services Department (DSD)

Subject: Kim TPM/CDP – Project No. 293634 –lot Split

#### **Torrey Pines Community Planning Board (TPCPB) Actions**

On January 16, 2014, the TPCPB agenda included Item #4 Pinewood Lot Split –Project #293634. After considerable discussion with the applicant and concerned citizens, a Motion to approve the project was made, and duly seconded. The TPCPB **defeated the Motion by a 3 to 5 vote.** No further votes were taken. Therefore, the project #293634 **was denied** by the TPCPB.

On February 13<sup>th</sup>, 2014, the TPCPB agenda included Item #3 Pinewood Lot Split – possible appeal to San Diego Planning Commission <u>if</u> Project approved by DSD. The concerned citizen raised new issues concerning Title Search documents. The Title Survey clearly indicated within its <u>Declaration of Restrictions</u> that said lots shall be for one-family residence purposes. The Board raised the issue of 25 mile-per-hour speed limit was not being adhered to and the applicant was using the city chart to determine the required braking distance to the driveway or line-of-sight distance requirement. A Motion was made to Appeal any approval of Project #293634 by DSD to the San Diego Planning Commission. The Motion passed by an 8-0 voted.

Council Pro-tem Sherri Lightner's office agreed to make a request to the Mayor's office for a formal speed study on Pinewood to determine if the 25 mph zoning was still being adhered to. As of this communication, the TPCPB has not heard back from the Councilmember's office as to when or if this study will occur.

#### **Reason for Denial of Project**

#### Lot Split - Torrey Pines Density issue

The applicant and DSD have pointed to the Torrey Pines Community Plan Low Density category (5-9 dwelling units/acre) as allowing a lot to be split since the current ratio is around 5.65 du's. To qualify a lot must be at least 10,000 square feet. The Floor Area Ratio (FAR) calculation does not take into consideration the contours of the lot. The applicant's lot configuration includes steep hillsides that could not be built upon but are allowed to count toward both the lot split and size of

resulting lots. It is the TPCPB assertion that this is 'gaming the system' to allow a lot split based upon a large percentage of unbuildable land.

The TPCPB strongly disagrees with this assessment that more density and population is required to fulfill our CP's goals. The Torrey Pines Community Plan (CP) is based upon statistics from the 1990 Census, which propose a residential population of 7,000. Current Torrey Pines population is approximately 7,300 persons. Furthermore, the Torrey Pines community is completely built-out with only 3 undeveloped residential lots available.

On page 93, of the CP, this document states "the Torrey Pines Community Planning area is **short 15.30 acres of usable park property."** Compounding this lack of usable park property is the fact that the Del Mar Union School District has severely restricted the public's access to school playing fields. The Torrey Pines Community does not have its own library or Fire Protection/Paramedic services. Additionally, the CP promised Transit Solutions, which never occurred. The Torrey Pines Community has fulfilled it housing obligation but lacks almost all community facility elements.

Over the last six years, the TPCPB was requested from our Councilmember and DSD staff a new/revised or amended Community Plan. We have been informally told that our communities have even older plans and the city lacks funds to accomplish very much in the way of updates. The issue of Density and lack of public facilities has been forefront in our requests for at least amendments. To hold a community hostage to outdated criteria is unacceptable.

#### Lot Split – legal issues –Declaration of Restriction

Pardee Developers built via sub-contractors, most of the dwelling units North of Del Mar Heights Road that in 1968 was known as Del Mar Hills. The Del Mar Hills Unit #6 included lots 130 through 266 according to Map thereof No. 6162 filled in the office of the County Recorder, August 6, 1968. The Applicant's lot is #227 of Unit #6.

The Escrow Company provided a Title Report, which includes a **Declaration of Restrictions** for Unit #6. "Said conditions are imposed upon said realty as an obligation or charge against the same for the benefit of each and every lot in said tract, and the owner or owners of any one or more of the lots in said tract" '1. Said lots shall be used for private, one family residence purposes exclusively and no structure whatsoever, **other than one first-class**, one family, private residence.'

The Pardee development of Del Mar Hills had to be approved by the City of San Diego along with all land use restrictions. In laymen's terms, **you buy one lot and you can build one home** on that lot. The Torrey Pines Community Plan was recommended for approved by the planning Commission of the City of San Diego on September 8, 1994. Final adoption of this plan came on January 10, 1995 by the City Council.

The City's Planning Department produced this Community Plan and should have been aware of the **Declaration of Restrictions for Del Mar Hills.** Were these Restrictions taken into consideration when the low-density Residential Development calculations were created?

Is it now the intention of DSD to void prior land use restrictions for the Del Mar Hills development **in order to allow a single owner to benefit** from a lot split? This legal issue goes far beyond the scope of a City Process 3. The TPCPB believes that a more thorough investigation by DSD of lot splitting would have upon the infrastructure of Torrey Pines is require before this project can be discussed intelligently.

#### Public Safety - Sight Distance formula

A similar project for 2501 Pinewood was proposed several years ago. At that time, the project was rejected due in part to concerns about safe egress from the proposed new development/home site. The applicant and DSD have developed a better Visibility Triangle and egress from driveways, which could avoid the need to back out onto Pinewood. The applicant has responded to Board and citizens' concerns that they are only doing what the City's calculation require.

The Sight Distance calculations components are co-efficient of friction, speed, grade of street, and perception or reaction time. In effect, this project has moved one driveway, 4 feet closer, to the upper portion of Pinewoods 'blind' 11% downhill grade curve. It appears that no consideration has been given to the street parking increasing reaction time. The line-of-sight safety issue is only addressed from the egress from the driveways not the drivers reaction time to what is still a hidden driveway on a sharp downhill curve.

The Board understands that the applicant can rely upon the 'perfect' traffic conditions and circumstances but the Board along with the residences living on or around Pinewood believe that DSD must approach this project with a **more conservative public safety perspective**.

Residences and Board members have commented that Pinewood Street is narrower than many local streets and that folks more often than not park on both sides of the street. In many instances, Pinewood is one lane due to parking on both sides of the street and width of road. The larger issue is the posted speed of 25 miles per hour versus reality. While maintaining a 25mph speed before the downhill 11% grade, one reaches a speed of 29 to 31 mph by the first driveway. This difference is miles per hours drastically adds to the **braking distance required** and would move the driveway(s) further down the hill.

The applicant has stated 'well that is the posted speed'. That posted speed **is subject to review every five years** to **make that speed still valid**. The TPCPB cannot find any such review within the last five years. The Board has request via Council President Lightner that the city review the appropriateness of that 25 mph designation. This project should not proceed until this issue is address and settled.

#### Bulk and Scale of Development - Compatibility

The Torrey Pines CP, on page 68 under low density, states, "New home construction shall be **sympathetic to and compatible with the existing** neighborhood." Under no circumstance can these two' Mac mansions' be considered compatible with either the dwellings on Pinewood or other local street with the former Del Mar Hills neighborhood.

Building 1, Parcel 1, is listed at 5,320 square feet and Building 2 on parcel 2 is listed at 4,000 sq.ft. but has an 800 sq.ft. deck (not included in FAR calculations. There are 36 homes on Pinewood,

which average 2,020 square foot. To build a home (bldg. 1) that is at least 263% larger than the average home on Pinewood and would be in top two largest homes within Torrey Pines fails to comply with our Torrey Pines Community Plan.

#### Torrey Pine tree(s) Relocation

Progress was made on this issue but since the Board Motion to approve the project failed so does, the amendment related to tree relocation.

#### Right to Privacy in one's home or backyard

A valid Privacy issue was raised by the neighbor directly below Bldg. 2. The height differential between the proposed building and the neighbor is about 10 feet plus the height of the structure and large deck area. It is interesting to note that the applicant added more trees on their Bldg. 1's hillside because of concerns about other homeowners looking into their home and backyard. The TPCPB contends that the same consideration should be afforded the neighbor below Bldg. #2. Either Bldg. #2 should be repositioned on Parcel 2 or the proposed deck be removed.

#### Summary

This is only a brief summary of issues raised by the public and TPCPB members. More in-depth research and commentary will be provided to the City Planning Commission if this project moves forward. The TPCPB has asked several questions of DSD and still awaits a traffic study. We strongly recommend that this project be **Denied** by DSD.

Dennis Ridz, Chair TPCPB

CC: Council President Pro Tem Sherri Lightner

#### Field Data Services of Arizona 21636 N. Dietz Dr. Maricopa, AZ 85138 (520) 316-6745

Northbound															Latitut	le: 0' 0.000	
Start	0	11	16	21	26	31	36	41	46	51	56	61	66	71		Average	85th
Time	10	15	20	25	30	35	40	45	50	55	60	65	70	71	Total	(Mean)	Percent
3/20/14	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21	21
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
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08:00	0	1	1	3	0	0	0	0	0	0	0	0	0	0	5	20	22
09:00	1	0	3	0	0	0	0	0	0	0	0	0	0	0	4	13	17
10:00	1	0	2	0	0	0	0	0	0	0	0	0	0	0	3	11	17
11:00	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	16	21
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20:00	0	1	1	3	0	0	0	0	0	0	0	0	0	0	5	20	22
21:00	1	0	2	0	0	0	0	0	0	0	0	0	0	0	3	11	17
22:00	0	1	4	3	0	0	0	0	0	0	0	0	0	0	8	19	22
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
Total	3	7	21	22	6	0	0	0	0	0	0	0	0	0	59		
Percent	5.1%	11.9%	35.6%	37.3%	10.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
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Vol.	1	1	3	3	1										5		
PM Peak	21:00	19:00	22:00	14:00	12:00										22:00		
Vol.	1	2	4	4	3	-									8		
Total	3	7	21	22	6	0	0	0	0	0	0	0	0	0	59		
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Site Code: SP 077-14 Station ID: Thurs 03/20/2014 Pinewood St. btwn. Mango Dr. & Pinewood Dr. Latitude: 0' 0.000 Undefined

ATTACHMENT 1 3

Page 1

# Field Data Services of Arizona

21636 N. Dietz Dr. Maricopa, AZ 85138 (520) 316-6745

Site Code: SP 077-14 Station ID: Thurs 03/20/2014 Pinewood St. btwn. Mango Dr. & Pinewood Dr. Latitude: 0' 0.000 Undefined

Southbound															Latitud	le: 0' 0.000	Undefined
Start	0	11	16	21	26	31	36	41	46	51	56	61	66	71		Average	85th
Time	10	15	20	25	30	35	40	45	50	55	60	65	70	71	Total	(Mean)	Percent
3/20/14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
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Vol.	4	10.00	1	2	1										6		
PM Peak	18:00	19:00	13:00	18:00	15:00										18:00 6		
Vol.	2	2	1	3	2	0	0	0	0	0	0	0	0	0	37		
Total	9	4		10	7	0	0	0	0	0	0	0	0	0	37		
Percent	24.3%	10.8%	18.9%	27.0%	18.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
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	Numer		les > 25 M		51.4% 7												
			les > 25 Mi les > 25 Mi		18.9%												
	Perce		beed(Avera		17 MPH												
		wear of	Jeeu (Avera	ye).													

#### Field Data Services of Arizona 21636 N. Dietz Dr.

21636 N. Dietz Dr. Maricopa, AZ 85138 (520) 316-6745

Site Code: SP 077-14
Station ID: Thurs 03/20/2014
Pinewood St. btwn. Mango Dr. &
Pinewood Dr.
Latitude: 0' 0.000 Undefined

Northbound,	Southboun	d													Latitud	e: 0' 0.000	Undefined
Start	0	11	16	21	26	31	36	41	46	51	56	61	66	71		Average	85th
Time	10	15	20	25	30	35	40	45	50	55	60	65	70	71	Total	(Mean)	Percent
3/20/14	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21	21
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		*
04:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	26	26
05:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	16	16
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
07:00	0	0	1	1	2	0	0	0	0	0	0	0	0	0	4	24	26
08:00	4	1	2	3	1	0	0	0	0	0	0	0	0	0	11	14	22
09:00	2	0	4	0	0	0	0	0	0	0	0	0	0	0	6	12	18
10:00	2	0	2	2	0	0	0	0	0	0	0	0	0	0	6	14	21
11:00	0	1	0	2	0	0	0	0	0	0	0	0	0	0	3	18	22
12 PM	0	0	0	1	3	0	0	0	0	0	0	0	0	0	4	26	27
13:00	0	0	2	0	1	0	0	0	0	0	0	0	0	0	3	20	26
14:00	0	0	0	5	0	0	0	0	0	0	0	0	0	0	5	23	24
15:00	0	2	2	0	2	0	0	0	0	0	0	0	0	0	6	19	26
16:00	0	0	3	2	0	0	0	0	0	0	0	0	0	0	5	19	21
17:00	0	0	3	3	1	0	0	0	0	0	0	0	0	0	7	21	23
18:00	2	1	0	5	1	0	0	0	0	0	0	0	0	0	9	17	25
19:00	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4	12	13
20:00	0	1	1	3	0	0	0	0	0	0	0	0	0	0	5	20	22
21:00	2	0	2	0	0	0	0	0	0	0	0	0	0	0	4	8	16
22:00	0	1	5	3	1	0	0	0	0	0	0	0	0	0	10	20	22
23:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21	21
Total	12	11	28	32	13	0	0	0	0	0	0	0	0	0	96		
Percent	12.5%	11.5%	29.2%	33.3%	13.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	08:00	08:00	09:00	08:00	07:00										08:00		
Vol.	4	1	4	3	2										11		
PM Peak	18:00	19:00	22:00	14:00	12:00										22:00		
Vol.	2	4	5	5	3										10		
Total	12	11	28	32	13	0	0	0	0	0	0	0	0	0	96		
Percent	12.5%	11.5%	29.2%	33.3%	13.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
			15th Percen		11 MPH												
			50th Percen		20 MPH												
		8	35th Percen	tile :	25 MPH												
		ç	95th Percen	tile :	28 MPH												
o																	
Statistics			H Pace Spe		6-25 MPH												
			umber in Pa		60												
	Numb		ercent in Pa		62.5%												
			les > 25 M		13												
	Perce		les > 25 M		13.5%												
		wean Sp	peed(Avera	ge):	19 MPH												i

Page 3

Dev 122	v of San Diego velopment Services 22 First Ave., MS-302	, , , , , , , , , , , , , , , , , , ,	Ownershi	Disclosure
	Diego, CA 92101	293634		Statement
Neighborhood Develop Variance Tentative	ppropriate box for type of approval (s) pment Permit 「Site Development Map 「Vesting Tentative Map 「I htative Map - J	Permit Planned Devel Map Waiver CLand Use	opment Permit Conditio Plan Amendment • Othe	nal Use Permit r
Project Address:	of prinewood s-	г		<u> </u>
		92014		·
	d when property is held by indi-	1		
anager of any changes in e Project Manager at leas formation could result in a dditional pages attach Name of Individual (type Sun Du	e or print): Ik Kim	ation is being processed o ring on the subject proper Name of Ind	r considered. Changes in ov ty. Failure to provide accur ividual (type or print):	vnership are to be given to ate and current ownership
Owner Tenant/	Lessee Redevelopment Agency	Street Addres	S:	Redevelopment Agency
Street Address:		250	of Prnewood	ST.
Street Address: <b>2</b> 50 City/State/Zip:	Prnewood ST.	City/State/Zip:	•	92014
Street Address: 2 501 City/State/Zip: San Di Phone No:	zego, CA 92014	City/State/Zip:	Diego, ch	92014. Fax No:
Street Address: 2 50 City/State/Zip: San Dr	- 2327 - 2327 Date:	City/State/Zip Phone No: Signature :	Diego, cA 58 357 3347	Fax No: Date:
Street Address: 2 501 Dity/State/Zip: Shone No: 619-865 Signature: Signature:	Fax No: -2327 Dathered Compared	City/State/Zip Phone No: Signature :	Diego, ch	Fax No:
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Street Address: 2 501 City/State/Zip: Shone No: 619-865 Signature: Name of Individual (type Owner Tenant/L Street Address:	req 0, $reg 0$ , $r$	City/State/Zip	Diegs, A 58 357 3347 widual (type or print): Tenant/Lessee Red s:	Fax No: Date: (0-20-(2
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Street Address: 2 50 City/State/Zip: San Dr 619-865 Signature: Signature: Name of Individual (type	$\frac{290}{-2327}$ Fax No: $\frac{2327}{-2327}$ Date: $\frac{200}{-20}$ e or print): $\frac{10-20}{-20}$	City/State/Zip	Diegs, A 58 357 3347 widual (type or print): Tenant/Lessee Red s:	Fax No: Date: (O->O-(~) evelopment Agency
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